

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LYNDSEY BURKE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV2000 CDP
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on upon review of the Court file. Because leave to amend shall be freely granted, I will grant plaintiff leave to file her first amended complaint. I will also grant the motion to withdraw the motion for judgment on the pleadings filed by defendants Missouri Department of Corrections and Tom Clements. Defendants should respond to the amended complaint within the applicable time limits. Finally, the Court notes that there has been no activity in this action with respect to defendant **Correctional Medical Services, Inc.** since the filing of the return of proof of service upon this defendant on **March 13, 2009**.

Accordingly,

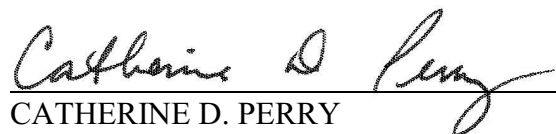
IT IS HEREBY ORDERED that plaintiff is granted leave to amend her complaint, and plaintiff's amended complaint [#23-1] is deemed filed as of this date.

IT IS FURTHER ORDERED that defendants' motion to withdraw the motion for judgment on the pleadings [#25-2] is granted, and the motion for judgment on the pleadings [#17] filed by defendants Missouri Department of Corrections and Tom Clements is withdrawn. Defendants' alternative request for an extension of time to file a reply brief in support of the motion for judgment on the pleadings [#25-1] is denied as moot.

IT IS FURTHER ORDERED that plaintiff shall, within fourteen (14) days of the date of this order, file appropriate motions for entry of default and for default judgment against **defendant** **Correctional Medical Services, Inc.**, supported by all necessary affidavits and documentation, as well as proposed orders for the Court's consideration.

Failure to comply with this order may result in dismissal without prejudice.

Dated this 8th day of April, 2009.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE